

AMENDMENT UNDER 37 C.F.R. § 1.116  
U.S. Appln. No. 10/725,348  
Attorney Docket No.: Q78682

**REMARKS**

Claims 1-20 are all the claims pending in the application. By this Amendment, Applicant amends claims 1 and 13-20 to further clarify the invention.

**Preliminary Matters**

Applicant thanks the Examiner for indicating receipt of the certified copies of the priority documents.

**Claim Rejection under 35 U.S.C. § 102**

Claims 1-6, 11, 12, and 16-18 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Publication No. 2002/0060706 to Sawano (hereinafter “Sawano”). Applicant respectfully traverses this rejection in view of the following comments.

The Examiner contends that Sawano discloses each feature of independent claims 1 and 16-18. This rejection is not supportable for at least the following reasons. Claims 1 and 16-18 are the only independent claims. Independent claims 1, 16, and 17 recite, in some variation, said second ink ejecting section is subject to a greater vibration than said first ink ejecting section.

Sawano discloses using the light ink from the recording head 10' for the highlight regions and using both heads 10 and 10' for the shadow gradation regions (¶ 67). Sawano, however, does not disclose or suggest the vibration experienced by these two heads. That is, Sawano does not disclose or suggest positioning the head 10' so that it experiences less vibration than the head 10 so that the dots are precisely formed in the highlight regions of the image. In short, Sawano fails to suggest using the section with the lowest vibration for the highlight regions of the image.

In summary, the deficiencies of the Sawano reference fall to the Examiner's burden to show inherent inclusion of the claim elements. Therefore, for all the above exemplary reasons,

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independent claims 1, 16, and 17 are patentably distinguishable from Sawano. Since claim 18 contains features that are analogous to the features discussed above, claim 18 is patentable for at least analogous reasons. Claims 2-6, 11, and 12 are patentable at least by virtue of their dependency on claim 1.

Claim Rejections under 35 U.S.C. § 103

Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Sawano in view of U.S. Patent No. 6,460,963 to Endo (hereinafter “Endo”), claims 8-10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Sawano in view of U.S. Patent No, 6,764,158 to Arquilevich et al. (hereinafter “Arquilevich”), claim 13 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Sawano in view of Arquilevich and Endo, and claims 14, 15, 19, and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Sawano in view of U.S. Patent No. 6,439,683 to Matsumoto (hereinafter “Matsumoto”). Applicant respectfully traverses these rejections in view of the following comments.

Claims 7-10 depend on claim 1. It was already demonstrated that Sawano does not disclose or suggest the unique features of claim 1. Endo is being cited only for its disclosure of the darkest region being 100% (*see* page 5 of the Office Action) and as such does not cure the deficient teachings of Sawano. Similarly, Arquilevich does not cure the deficiencies of Sawano. Arquilevich discloses having the ink ejection sections being positioned on a guide rod (*see* page 6 of the Office Action and Fig. 1 of Arquilevich). Arquilevich, however does not disclose or suggest the sections with the lowest vibrations being used for the highlight areas of the image.

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Accordingly, claim 1 is patentable over the combined teachings of Sawano, Endo, and Arquilevich, taken alone or in any conceivable combinations. Since claims 7-10 depend on claim 1, they are patentable at least by virtue of their dependency.

In addition, claim 8 recites: “said first ink ejecting section is an ink ejecting section, among said ink ejecting sections, that is located on the side closer to an engaging section where said holding section and said moving member engage.” The Examiner acknowledges that Sawano does not disclose or suggest these unique features of the claim but alleges that Arquilevich cures the deficient teachings of Sawano (*see* page 6 of the Office Action). Arquilevich, however, only discloses all heads being of equal distance from the carriage and not a section of the heads such as first section. That is, Arquilevich fails to disclose having the print heads that eject ink for the highlight region being located on a side closer to the engaging section. For at least this additional exemplary reason, claim 8 is patentable over the combined teachings of Sawano and Arquilevich.

Next, the Examiner contends that independent claim 13 is obvious over Sawano in view of Arquilevich and Endo. Applicant respectfully submits that claim 13 recites features analogous to the features argued above with respect to claim 1. Accordingly, claim 13 is patentable for at least analogous reasons.

In addition, independent claim 13 recites: “said first ink ejecting section is an ink ejecting section, among said ink ejecting sections, that is included in an ink ejecting unit located on the side closer to an engaging section where said holding section and said moving member engage...said first ink ejecting section is at most half of continuously-arranged ink ejecting sections among all ink ejecting sections belonging to said row of ink ejecting sections.”

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It is respectfully noted that the combined disclosure of Sawano, Arquilevich, and Endo fails to disclose or suggest the print section that ejects ink for the highlight areas of the image being at most half of the continuously arranged ink ejecting sections that belong to a row of ink ejecting section. Sawano simply discloses having one or more heads for dark ink and one or more heads for light ink but it fails to disclose having light ink heads being at most half of continuously arranged ink ejecting section belonging to a row of print heads. Arquilevich and Endo do not cure the deficient teachings of Sawano.

Moreover, the Examiner acknowledges that Sawano and Endo do not disclose or suggest locating the first ink ejecting unit on a side closer to an engaging section where the holding member and the moving member engage. The Examiner, however, alleges that Arquilevich cures the deficient teachings of Sawano (*see* page 8 of the Office Action). It is respectfully submitted, however, that Arquilevich fails to disclose or suggest these unique features of claim 13, as explained in greater detail with respect to claim 8.

Moreover, one of ordinary skill in the art would not have been motivated to combine the references in the manner suggested by the Examiner. The Examiner alleges that one of ordinary skill in the art would have been motivated to position the ink heads on a guide member as disclosed by Arquilevich for fast printing (*see* page 8 of the Office Action). It is respectfully noted, however, that this does not explain why one of ordinary skill in the art would position the first section and not the second section, for example, on a side closer to an engaging section where the holding member and the moving member engage. That is, Arquilevich fails to suggest positioning the section for printing highlight regions on a side closer to an engaging section.

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For at least these exemplary reasons, claim 13 is patentable over the combined teachings of Sawano, Endo, and Arquilevich. It is appropriate and necessary for the Examiner to withdraw this rejection of claim 13.

Claims 14, 15, 19, and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Sawano in view of U.S. Patent No. 6,439,683 to Matsumoto et al. (hereinafter “Matsumoto”). Independent claims 14, 15, 19, and 20 recite features similar to, although not necessarily coextensive with, the features argued above with respect to claim 1. Therefore, arguments presented with respect to claim 1 are respectfully submitted to apply with equal force here. Accordingly, Sawano does not disclose or suggest the unique features of claims 14, 15, 19, and 20. Matsumoto is cited only for its disclosure of computer-readable medium and as such clearly fails to cure the deficient teachings of Sawano. For at least these exemplary reasons, therefore, independent claims 14, 15, 19, and 20 are patentable over Sawano in view of Matsumoto.

#### Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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